

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jared Goyette, Craig Lassig, Katie Nelson,
Tannen Maury, Stephen Maturen, Edward Ou,
Timothy Evans, Chris Tuite and The
Communications Workers of America,
*On behalf of themselves and other similarly
situated individuals,*

Court File No. 20-cv-01302
(WMW/DTS)

Plaintiffs,

v.

City of Minneapolis; Minneapolis Chief of
Police Medaria Arradondo *in his individual and
official capacity*; Minneapolis Police Lieutenant
Robert Kroll, *in his individual and official
capacity*; Minnesota Department of Public Safety
Commissioner John Harrington, *in his individual
and official capacity*; Minnesota State Patrol
Colonel Matthew Langer, *in his individual and
official capacity*; Minnesota State Patrol Major
Joseph Dwyer, *in his individual capacity*;
Hennepin County Sheriff David Hutchinson, *in
his individual and official capacity*; John Does 1-
10, *in their individual and official capacities*;

**DECLARATION
OF MICHAEL ELLIOTT**

Defendants.

I, Michael Elliott, state as follows:

1. I served as elected Mayor of Brooklyn Center, MN, from 2018 through 2022.

I was Mayor when Daunte Wright was killed on April 11, 2021 and during the week of protests that followed in Brooklyn Center.

2. Right from the beginning of the protests, on April 11, I and other members of City staff and the City Council saw that law enforcement was taking a counterproductive

approach to the protests, characterized by the unnecessary use of tear gas, chemical weapons, and other violence against peaceful protesters and journalists.

3. On April 12, 2021, the City Council passed a “Resolution Limiting Police Crowd Control Tactics During Protests” – Resolution 2021-58. It prohibited the use of tear gas and other chemical irritants during the protest response, use of less-lethal “rubber bullets” against protesters, mass arrest or “kettling” of protesters, and other violent crowd-control techniques. The Resolution specifically noted that police should not prevent people from videotaping law enforcement and explained that the prohibited tactics “directly impact the rights of First Amendment Assemblies and mass demonstrations.”

4. Also on April 12, 2021, I moved to have the City Council fire the Brooklyn Center City Manager, the Brooklyn Center police chief resigned, and I took command of the Brooklyn Center Police Department pursuant to the City Charter.

5. The passage of Resolution 2021-58, and my command of the Police Department, irritated Sheriff Hutchinson, as it limited his ability to direct a protest response that I (and my City Council) felt was counterproductive and violative of the First Amendment rights of protesters and journalists. After the Resolution passed, a meeting was held involving myself, Sheriff Hutchinson, Governor Tim Walz, and Department of Public Safety Commissioner John Harrington. Hutchinson implored me to rescind or alter the Resolution in some way that would allow him to direct deployment of tear gas and other crowd control munitions. Hutchinson presented me with an ultimatum: cave to the demand to be able to tear gas protesters and use less-lethal weapons, or he and the other

law enforcement officers would pack up and go home, leaving Brooklyn Center to fend for itself.

6. Faced with this ultimatum, on April 13, 2021, I issued “Mayoral Emergency Proclamation 2021-02,” which “clarified” that the Resolution limiting crowd control tactics applied only to the Brooklyn Center police, thus allowing the free reign Hutchinson demanded to continue oppressive and unnecessarily confrontational response to the protests.

7. I had conflicting feelings about this decision, because while I knew the Brooklyn Center Police Department was likely too understaffed to respond to the protests without help, I also knew that Hutchinson’s approach to the protest response was counterproductive and was visiting additional trauma on our community.

8. At a press conference on April 14, 2021, I voiced these concerns publicly, which further drew Sheriff Hutchinson’s ire. Among other things, I specifically stated that the ongoing law enforcement interference with the media was unacceptable, stating: “Demanding the media to leave is absolutely, unequivocally unacceptable. I issued the curfew order, and my curfew order permits the media to be there . . . they must follow that.”

9. My criticism of Hutchinson and law enforcement at this press conference further drew Hutchinson’s ire. He almost immediately fired off a letter to me complaining: “Yesterday Brooklyn Center made a request through the Hennepin County Chiefs of Police Association for the Hennepin County Sheriff’s Office to take a lead role in incident command And yet today, at a press conference, you expressed concern about last

night's joint operations and the role of the Hennepin County Sheriff's Office." In this letter, Hutchinson again leveled the thinly veiled threat that I needed to get in line and stop criticizing his leadership of the protest response or he was going to take his ball and go home.

10. Hutchinson commanded the protest response and was monitoring and directing events moment-to-moment in real time as they occurred each evening. I watched as Hutchinson and those under his command violated the First Amendment rights of protesters and journalists. He and I had communications during which I expressed my disappointment and displeasure with the aggressive, violent law enforcement response and his disregard for the First Amendment. Given my experience interacting with Hutchinson throughout the protests, there is no way – it is unfathomable – that he was unaware of the abuse of journalists occurring on his watch and under his command every night.

11. Hutchinson demonstrated zero concern for the First Amendment rights of protesters or journalists during these conversations. Instead, he affected a "tough guy" persona, stating repeatedly that he and law enforcement would do whatever it took to quell the protests, implying that the violent response by law enforcement was something he felt was appropriate, necessary and commendable, regardless of how it impinged on individuals' First Amendment rights.

12. Hutchinson's overly macho posture was not conducive to the kind of protest response the community needed. Frankly, the protest response was horrible. People came out to grieve and express their grievances, and law enforcement tear-gassed them, maced them, and shot them with rubber bullets.

13. At times I would go out on the lawn in front of the Police Department to observe the protest response. Sheriff's deputies would walk to the fence line with their 40mm weapons and fire off a few shots, then step away and another group would move into the line and do the same. They seemed to view it as target practice. Some deputies would rejoice when they hit a protester. I found it disturbing and sadistic.

14. On or about April 15, I and other City staff urged a different approach, where law enforcement would stay back from the fence-line surrounding City Hall, and eventually make itself invisible to the protesters, as a way of de-escalating and removing flashpoints for conflict. It worked. There was no violence by protesters or law enforcement. Citizens exercised their First Amendment rights, and for the first time in several days, the community was allowed to heal.

15. Unfortunately, law enforcement abandoned this approach after just one night. On April 16, a clearly orchestrated plan to re-engage with the protesters and effectuate a mass arrest was put in place. I remember standing in front of City Hall, watching in awe as a huge procession of city buses rolled into place, clearly summoned to support the mass arrest of protesters. It was obvious to me that law enforcement was going to arrest everyone *en masse* to starve the protests of oxygen over the weekend. Sure enough, the officers under Hutchinson's command returned to their hostile and aggressive response to the protests, culminating in tear gas, violence, and a mass arrest.

16. I love my city and its citizens. I grieved with them after Daunte Wright was killed, and I empathized – and suffered – with them during the heavy-handed law enforcement tactics engaged in by the officers Hutchinson commanded. One resident of

the apartments across the street from City Hall told me that he put his child's mattress against his windows to absorb the impact of the barrage of rubber bullets fired by law enforcement. These tactics, employed in clear disregard for the grieving community in Brooklyn Center and the First Amendment rights of protesters and journalists alike, were not what the community needed to process the killing of Daunte Wright and expiate their grief and anger.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Jan 18, 2023


Mike Elliott (Jan 18, 2023 15:19 CST)

Michael Elliott